

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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UNITED STATES OF AMERICA : DOCKET No.: 0208 1:19cr00699-001(JGK)  
-Against- :  
JAMES T. BOOTH :  
Defendant :

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**DEFENDANT'S MEMORANDUM IN AID OF SENTENCING**

**Preliminary Statement**

The Defendant, James T. Booth, is 74 years old. Mr. Booth is a first-time offender. Pursuant to the Rules of Criminal Procedure the Defendant submits this Memorandum in aid of sentencing which is scheduled for February 21, 2020. On October 22, 2019, Mr. Booth pleaded guilty to Count One of the Information in Docket Number 0208 1:19 CR00699-001(JGK) which charged the Defendant with Securities Fraud in violation of 15 U.S.C. §78j(b) & 78ff. The factual basis for the charged offense relates to James T. Booth's Position as a Financial Advisor and Principal of Booth Financial and Insurance Trends. The factual basis for the charged offense relates to Mr. James T. Booth's Position as a Financial Advisor and the diverting of investors' funds under false pretenses into Insurance Trends. Mr. James T. Booth deposited funds into Insurance Trends with no intention of investing the funds into the securities or bonds the investor believed they had purchased through Booth Financial. Mr. Booth would use the investors' funds to pay prior investor's dividends, and payouts when they would want to sell a security. Mr. Booth would also use the investors' funds to pay employee salaries, day to day expenses of Booth Financial, and household expenses. Mr. Booth was able to perpetuate this Fraud on his

investors by providing above average dividends on their investments and submitting to them false financial statements.

As set forth below, and due to the Defendant's history and characteristics, the Defendant respectfully requests that this Court impose a non-Guidelines minimum sentence of jail and probation consistent with the principles of 18 U.S.C. §3553(a).

### **Legal Standards to Sentencing**

Following United States vs. Booker, 543 U.S. 220 (2005) sentencing courts are now empowered to impose sentences of mathematical calculations of the Federal Sentencing Guidelines. While the guidelines are a starting point for sentencing purposes, they are but one factor to be taken into consideration by the judicial authority mandated by 18 U.S.C. §3553(a). Gall vs. United States, 128 S.Ct. 586, 597 (2007); United States vs. Crosby, 397 F.3d 103, (2d Cir. 2005). The sentencing Court must make an individualized assessment based upon the information presented consistent with all of the enumerated 18 U.S.C. §3553(a) purposes and factors. *Id.* at 596-597. Finally, the sentence imposed must be sufficient but not greater than is necessary to satisfy the purposes and factors of 18 U.S.C. §3553(a).

### **The History and Characteristics Of The Defendant**

On October 22, 2019, Mr. James T. Booth pleaded guilty to Count One of the Information in Docket Number 0208 1:19 CR00699-001(JGK) which charged the Defendant with Securities Fraud in violation of 15 U.S.C. §78j(b) & 78ff. Mr. James T. Booth accepts full responsibility for his actions as it pertains to Booth Financial and Insurance Trends. Mr. Booth's behavior at first was completely driven by need and poor judgment to satisfy investors, pay salaries, and to meet monthly expenses.

Mr. James T. Booth at the age of 22, while in the Navy was diagnosed with panic attacks; and he is still on medication for that condition. Mr. Booth also takes medication daily for diabetes, and five years ago was diagnosed with spinal stenosis. Mr. James T. Booth has been married for the past fifty-four years and is the father of two grown sons and has two grandchildren. Mr. Booth has a strong marriage with a supportive wife, and the love and support of his two adult sons.

As the Presentence Report states, Mr. James T. Booth does not have a mental health problem or substance abuse problem, but I believe his behavior was driven by need and the desire to help others. The letters of reference (see **Exhibit A**) will give some insight into the character and personality of Mr. James T. Booth and his deep-rooted desire to help others.

Certainly, it can be stated that given the above personal history and lack of any criminal involvement with the law over his 74 years, Mr. James T. Booth's criminal conduct in this case is a significant departure of his general nature.

### **Conclusion**

Mr. James T. Booth takes full responsibility for his behavior and respectfully requests the court sentences him to a non-guidelines minimum sentence of jail and probation, which under the circumstances would constitute a "sufficient" punishment. (**Exhibit B**)

Respectfully Submitted,  
The Defendant,  
James T. Booth

By: 

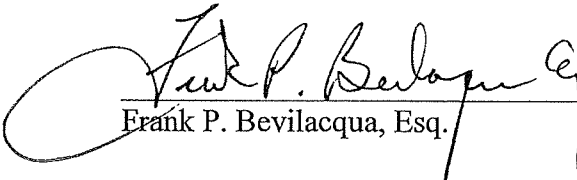
Frank P. Bevilacqua, Esq.  
DePanfilis & Vallerie, LLC  
25 Belden Avenue, P.O. Box 499  
Norwalk, CT 06852  
Telephone: 203-846-9585  
Facsimile: 203-847-2849  
Federal Juris: CT-26720

**CERTIFICATION**

I hereby certify that on February 12, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to [Below list the names and addresses of anyone unable to accept electronic filing] as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

**SENT VIA U.S. MAIL ONLY**

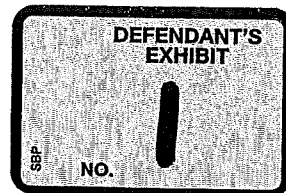
Sandra Campbell United States Probation Officer  
U.S. District Federal Court House  
300 Quarropas Street  
White Plains, N.Y. 10601

  
Frank P. Bevilacqua, Esq.

## **EXHIBIT A**

### **CHARACTER REFERENCE LETTERS**

1. Frank Concepcion (Open Doors Shelter)
2. Sr. Sally Norcross. CND
3. Gerald Anastasia: Athletic Supervisor
4. William Wolf: President Groffiss Institute
5. Jeannine Parisi
6. Kathy Chmura
7. Herbert T. Wolf
8. Nancy Popps



# OPEN DOORS

Shelter | Support | Success

4 Merritt Street • Norwalk, CT 06854 • 203-866-1057

October 21, 2019

Dear Presiding Judge

I would like to say that Mr. Booth and his family have been an avid Supporter of the Open Door Shelter ( A Homeless Shelter) Soup Kitchen in Norwalk CT. For years he along with his family has sponsored many meals at our Soup Kitchen. Besides Financially Sponsoring the meals Mr. Booth and family would volunteer helping to prepare, cook and serve meals with our cook staff.

We Know Mr. Booth to be kind and compassionate for those that are less fortunate.

Please , feel free to contact me for further information.

[fconcepcion@opendoorshelter.org](mailto:fconcepcion@opendoorshelter.org)

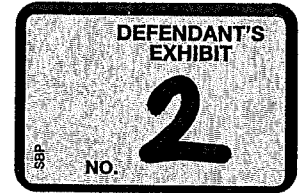
203-451-2792

Thank You

*Frank Concepcion*

[www.opendoorshelter.org](http://www.opendoorshelter.org)

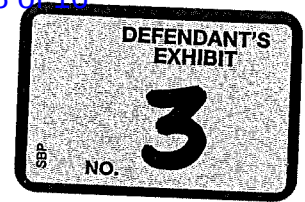
EIN # 22-2536909 & CT State Charities Reg # 000336



Presiding Judge  
Re: James Booth  
Letter of Support  
October 20, 2019

I am writing on behalf of James Booth, a person I have known for nearly 20 years. I first met Jim and his wife when their son, David, was in my class. At the time I was a teacher at All Saints Catholic School and later I was an administrator at the same school. Both parents were involved in the life of the their son. Jim's wife became a teacher at the school and I got to know the family very well. When I read the article in the paper about Jim, I was devastated. Why? Simply because Jim is a man of integrity, simplicity, generosity and kindness. I was certain I was reading about the wrong Jim Booth. I can offer no insight regarding the discrepancy in behaviors of Jim. I can only say with confidence that I know a side of Jim that is worthy of some positive weight in determining the outcome of this matter. Please feel to contact me if I can be of further assistance.

Sr Sally Norcross, CND  
28 Richards Ave  
Norwalk, CT 06854  
Sent from my iPhone



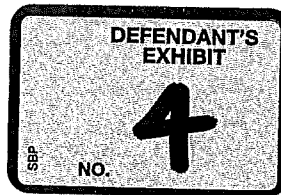
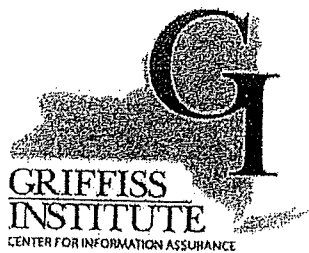
Dear Honorable Presiding Judge,

My name is Gerald Anastasia and I have been the Athletic Supervisor for the Norwalk Recreation and Parks Department for the past 15 years. I have been fortunate to have many people that assist us on helping financially, but the best company in town who has always been there was Booth Financial. Sponsors, fund raising you name it, Booth Financial would be there and help the Youth Programs in the City.

Thanks for your time

Gerald Anastasia: Athletic Supervisor





GRIFFISS INSTITUTE  
725 Daedalian Drive  
Rome, NY 13441  
Tel: 315-838-1696  
Fax: 315-838-1699  
Web: [www.griffissinstitute.org](http://www.griffissinstitute.org)

October 17, 2019

Re: James T. Booth

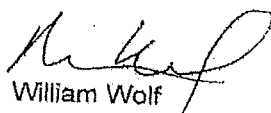
Dear Presiding Judge,

I have known James T. Booth for over 60 years. He has been a good friend and confidant since early childhood. We grew up in the same neighborhood, attending the same schools and playing together in the local schoolyards. Jim was two years older than I, so I was always the tag-a-long little kid that he tolerated. He took care of me, the little kid! I have to say, I always looked up to Jim and he was a good mentor to me. He taught me many things and life skills.... how to shoot a basketball and how to play pool. Jim had a basketball court in his back yard and a pool table in his basement. We made his garage into a clubhouse and hung out there after school. His mom brought out cookies and treats. His was the house voted most popular by my group of friends. The guidance Jim gave me, as one of the big kids on the block, kept me out of trouble numerous times. He was one of the driving forces shaping my childhood and my life.

The friends we made in those years have stuck together ever since and continue to be close. There are probably eight to ten of us who still maintain contact and get together every chance we get. Jim and his family have stayed in my home in Rome NY. We have vacationed together with several couples from that old neighborhood in Queens. We have sailed on Lake Delta and skied in the Adirondack mountains. I have always believed Jim to be a solid and dependable friend. I cannot speak to any of Jim's recent problems. I only know the Jim I grew up with as a youth, as a young man, and now as mature adults approaching what should be the golden years of our lives.

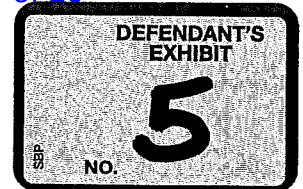
I do not hesitate to call Jim a trusted friend. I have confidence in him and no doubts about his character.

Respectfully,



William Wolf

President  
Griffiss Institute



Jeannine Parisi  
257 Maple Street  
Massapequa Park, NY 11762  
631-384-3005

October 16, 2019

Re: James T. Booth Case

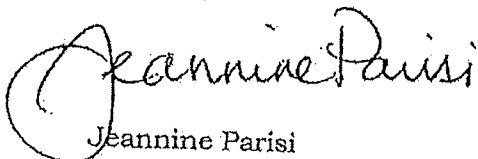
Dear Honorable Presiding Judge:

I am writing to you on behalf of my uncle James T. Booth. I have known Uncle Jimmy for my entire life as he is my mother's brother. I honestly don't know where to begin in describing what an outstanding, loving and supportive uncle he has been to me. He adores his family both immediate and secondary. Raised by two of the most amazing individuals on this earth, my grandparents, Uncle Jim has spent his entire life helping others by volunteering, supporting family members in great times of need and going to church every Sunday, serving as a Eucharistic Minister. Personally in my life, my husband was diagnosed 11 years ago with Progressive Multiple Sclerosis and is devastatingly disabled at 45 years old. My uncle has been one of the most incredible selfless forms of support I have had. He guided us with his advice through years of uncertainty as my husband could not work almost immediately after diagnosis. He picked us up emotionally when we felt hopeless. The news of my Uncle's accusations came as an enormous shock and a devastating feeling of denial being the role model he has been to me.

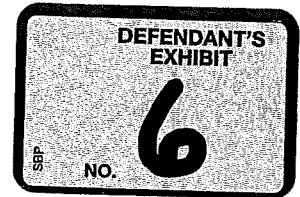
I can say without any reservation that the remorse Uncle Jimmy feels cannot be measured. He lives an extremely simple life without ANY luxuries or things of that nature. I know the emotional and physical toll that this must be taking on him. It saddens me to great extent knowing he is going through this. I pray for him, my Aunt Diana and my cousins Jimmy and David (and David's wife and children) every single day. I hope that this letter expresses as intended what and kind, humble incredible man Uncle Jimmy really is and that this is taken into consideration when the court reviews this matter.

Please feel free to reach out to me at 631-384-3005 if I can provide any further information. Thank you kindly for your time.

Sincerely,

A handwritten signature in cursive script that reads "Jeannine Parisi". The signature is written in dark ink and is positioned above the printed name.

Jeannine Parisi



Kathleen Chmura  
40 Polo Road  
Massapequa, NY

October 15, 2019

To the Honorable Presiding Judge:

It is with both sadness and honor that I write this letter to you today about my brother, James Booth. My sadness comes with the reason for such a letter as it is difficult to grasp the charges against Jim. And at the same time I am honored to tell you about my brother, a gentle presence for all who know him.

Jim was always the calming agent in our family, a quality he received from my dad. Growing up with Jim was drama free because he was always kind and positive. Jim never engaged in family gossip so he became the person everyone complained to. He was smart and an achiever but never boastful. When I was about 11 years old, Jim took me with him to our local church asking me to help him out with a program he was involved in. When I got to the auditorium I was surprised to see that he was working on Saturdays with Downs syndrome children in the gym at our church. It was something he did but never really spoke about. This is just one example of Jim's kind, unassuming personality. All of his years in CT he continued to be active in his church and local programs, using his personal time to help others.

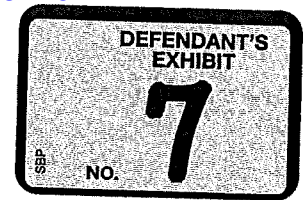
My husband of 46 years is a recovering alcoholic who has relapsed many, many times during our marriage. Jim would always welcome the tearful telephone call from me during a relapse. His support and love for both me and my husband helped to keep us together. He never judged and his calm, kind demeanor was contagious.

Jim's love for his wife and children is exemplary. They are a solid, unified, hard-working family who lead a simple life and never complain. They just follow Jim's lead. Two years ago, Jim and his wife Diana had a casual 50<sup>th</sup> wedding anniversary party. They invited every member of our family all the way down to the babies. We all joked with him about having to bring all the kids, but he responded by saying, that this celebration was all about family and love. And, indeed, for him it was.

I think it was Ben Franklin who said, "It takes many good deeds to build a good reputation and only one bad one to lose it." Jim is a good, kind, loving, compassionate man and I hope the court in its wisdom will define him, Not by these charges, but by the lifetime of always paying it forward. I know that I will.

Respectfully,

Kathy Chmura



October 17, 2019

Re: James T Booth

Dear Presiding Judge:

I was shocked when Jim contacted me this week to say that he was pleading guilty to felony charges concerning his work in the financial industry. This is not the person who has been my friend for 60 years.

Jim and I met in the 3<sup>rd</sup> grade at Our Lady of Lourdes Grammar School in Queens Village, NY. We have been friends ever since. As teenagers and young adults, we played pick up sports together and dated girls in the same circle of friends. In fact, when Jim met Diana, she was casually dating another one of our friends, Ken Reilly. Before asking Diana out, Jim made sure that it was OK with Ken. Jim was always honest and upfront with his friends. We were part of each other's weddings and our wives are friends.

When Jim joined the Navy in the 1960's, he went to Okinawa. We stayed in contact. He served his country and then came home to his friends and family.

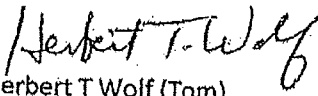
Jim is a devoted family man. I have observed him to be a caring husband and father as well as a devoted brother-in-law. He and Diana spent many a weekend traveling to Queens Village to care for his sister-in-law when she was ill.

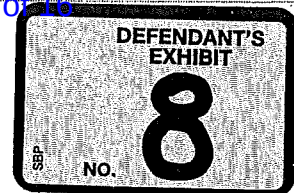
In recent years, due to geography, we saw each other less frequently. Jim lives in Norwalk, CT while I live in Lake Grove, Long Island. However, when we talk on the phone or go skiing together, it is like we were never apart. There is always laughter and camaraderie, yet there is always respect for each other.

Although Jim did not talk much about his business, his comments were usually about servicing existing clients and visiting remote associates with whom he worked.

I know Jim as a friend whom I have trusted in the past and will trust in the future.

Respectfully,

  
Herbert T Wolf (Tom)



Nancy Popps  
135 Skyview Terrace  
Syracuse, NY 13219  
(315) 399-3204

October 22, 2019

RE: James T Booth

Dear Honorable Presiding Judge:

I am writing to you on behalf of my uncle, James Booth. I have known my uncle my entire life. He is my father's brother. I can say that he has been a great uncle to all his nieces and nephews. He has always been caring and supportive. He is very active in his church. He volunteers to help those in need. He was instrumental in helping my cousin, whose husband was diagnosed with MS.

To learn of the accusations, and to see firsthand the devastation it has had on my father and mother, I am still confident in writing this letter because the uncle I know is a good person. I do not believe in any way my uncle's actions were malicious in intent. They did not live the "good life". My uncle has lived a simple life, caring for others in need. We were all shocked to learn of the accusations because that is not the man we know or is. I pray for him, my aunt Diana, and my cousins Jimmy and David.

I hope you can take into consideration, not just recent events, but his character throughout his life.

Thank you for taking the time to read this letter.

Sincerely,

Nancy Popps

**EXHIBIT B**

James T. Booth Statement to the Court

TO: HONORABLE PRESIDING JUDGE

SINCE JUNE OF LAST YEAR, I HAVE SPENT MOST OF MY TIME REFLECTING ON MY ACTIONS AND HOW THEY STARTED. IN DOING SO, I REALIZED THE PERSON I ONCE WAS DID NOT DO THESE THINGS. I MADE A WRONG DECISION THE FIRST TIME I DID THIS FOR WHICH I WAS VERY DISTURBED. SUBSEQUENT TIMES, IT BECAME EASIER AFTERWHICH I BEGAN TO THINK IT WAS OK AS I INTENDED TO MAKE THINGS RIGHT. AS TIME WENT BY I KNEW I COULD NOT MAKE THINGS RIGHT AND CONTINUED. I FELT THAT KEEPING PEOPLE RECEIVING INCOME THAT THEY NEEDED WOULD BE LESS HARMFUL TO THEM THEN TO HAVE EVERYTHING SUDDENLY STOP AS IT DID WHEN I WAS DISCOVERED. THIS WAS MY ONGOING BAD JUDGEMENT.

I AM SORRY FOR MY ACTIONS BECAUSE OF THE MONEY I TOOK AND THE PAIN IT CAUSED. I AM EVER MORE SORRY BECAUSE OF THE TRUST I BETRAYED IN PEOPLE I HAD BEGUN TO KNOW AS FRIENDS. I FEEL THAT THE BITERNESS I HAVE CREATED IN THEIR FAMILIES OVER MY ACTIONS IS SOMETHING I ALSO CREATED THAT I CANNOT DO ANYTHING ABOUT AND HOPE I CAN BE INSTUMENTAL IN HEALING THEIR HEARTS. GOOD PEOPLE BECAME EMBITTERED AS A RESULT OF MY ACTIONS AND NOT A DAY GOES BY THAT I DON'T CRY OVER THAT.

I NEVER REALIZED HOW ONES ACTIONS HAVE REPURCUSSIONS THAT CAN NEVER BE ANTICIPATED. FAMILY, FRIENDS, FRIENDS OF FAMILY MEMBERS AND FRIENDS OF CLIENTS HAVE BEEN AFFECTED BY WHAT I HAVE DONE. IN A SENSE I HAVE BEEN IN MY OWN PRISON BECAUSE THE PEOPLE THAT WERE MY FRIENDS WHO I COMMUNICATED WITH DAILY NO LONGER WERE PART OF MY LIFE.



IN REDEFINING MY LIFE WHILE AWAITING SENTENCE, I HAVE SPENT MY TIME VOLUNTEERING WHERE I MET NEW FRIENDS WHO TAUGHT ME THE RIGHT MEANING OF LIFE IN HELPING OTHERS. I RENEWED MY FAITH IN TRYING TO UNDERSTAND WHAT MADE ME DO WHAT I DID AND WROTE A DIARY OF MY ACTIONS (SOME 60 PAGES NOW) IN THE HOPE I COULD HAVE IT PRINTED FOR ADVISORS, REGULATORS AND CLIENTS TO LEARN WHAT I DID AND HOW TO PREVENT FUTURE ACTIONS LIKE MINE FROM HAPPENING AGAIN.

THE REPERCUSSIONS OF MY CRIME REACH FAR BEYOND THOSE I STOLE FROM AND MY ABILITY TO MAKE THINGS RIGHT THROUGH CONTINUED WORK ON MY DIARY CAN BE FACILITATED WITH THE SENTENCE.

RESPECTFULLY,

JAMES T. BOOTH